IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 530 of 2001

in

SPECIAL CIVIL APPLICATIONNo 8503 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

and

Hon'ble MR.JUSTICE N.G.NANDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

DISTRICT PANCHAYAT

Versus

J R PANDIT

Appearance:

MR HARIN P RAVAL for Appellant.

MR IS SUPEHIA for Respondent.

CORAM : MR.JUSTICE M.R.CALLA

and

MR.JUSTICE N.G.NANDI

Date of decision: 14/08/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE M.R.CALLA)

This Letters Patent Appeal is directed against the order dated 9th of March 2001 passed by the learned Single Judge whereby the Special Civil Application No. 8503 of 1989 was partly allowed and the order dated 9th November 1989 at Annexure "D" to the Special Civil Application was quashed and set aside and it was ordered that the petitioner shall be entitled to all the benefits of service including full backwages upto January 1, 1999, i.e., till the date of superannuation and thereafter pension, gratuity etc., on the basis of the continuity of the service. This Appeal was admitted after notice on 18th July 2001 and on that date on behalf of the appellant, District Panchayat, Mr. Harin P. Raval, learned counsel, under instructions from the concerned officer, submitted that the appellant was ready to pay the full retiral benefits to the respondent upto the maximum of 33 years of pensionable service and for that purpose the case was being moved.

2. On the next date, i.e., 9th of August 2001, Mr. Raval produced before us an order dated 2nd of August 2001 passed by the Deputy Secretary, Panchayat Rural Housing & Rural Development Department granting full pension to the respondent for the entire period of 33 years of service. However, on that date, Mr. Supehia submitted that he wants to contest for the rest of the reliefs also as has been directed by the learned Single Judge and that the respondent should also be paid the interest. The matter was, therefore, posted for today. Today, when the matter was taken up, Mr. Supehia has submitted that he has instructions from the respondent that the respondent is satisfied with the benefits under the order dated 2nd of August 2001 and gives up all other reliefs. In this view of the matter, we find that this Letters Patent Appeal has become infructuous, in view of the order dated 2nd of August 2001 and we, therefore, order that henceforth the rights of the respondent shall be governed by the order dated 2nd August 2001 as has been passed by the Deputy Secretary, Panchayat Rural Housing and Rural Development Department, granting full pension to the respondent for the entire period of 33 years of service, the copy of which has already been supplied to Mr. Supehia, instead of the order as has been passed by the learned Single Judge. This Appeal has, therefore, become infructuous and the same is therefore dismissed as such with no order as to costs.

[M.R. Calla, J.]

rmr. [N.G. Nandi, J.]